

Panaji, 31st October, 2013 (Kartika 9, 1935)

SERIES II No. 31

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

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Order

No. 8/118/2013/SRI-Cell/D.Aagri/300

Sanction of the Government is accorded to constitute SRI Cell to facilitate area expansion of System of Rice Intensification for South Goa District, under the leadership of Shri Dattaprasad Dessai, Zonal Agriculture Officer, Sanguem, who will be assisted by one Assistant Agriculture Officer and one Field Assistant/Agriculture Assistant of the respective zones, whose services has to be provided by respective Zonal Agriculture Officers in addition to their routine work. All Zonal Agriculture Officers are directed to work in co-ordination with SRI Cell in their respective zones and not to neglect the work of other schemes.

Shri Dattaprasad Desai, Zonal Agriculture Officer, Sanguem is relieved from his duties of Zonal Agriculture Officer, Sanguem with immediate effect till 31st May, 2014 along with his office vehicle bearing No. GA-01-G-0929 and jeep driver Shri Rozario Furtado.

Shri Raghunath Morajkar, Farm Superintendent, Kalay should look after the duties of Zonal Agriculture Officer, Sanguem in addition to his own duties and also discharge the duties of Head of Office, Drawing and Disbursing Officer for Zonal Agriculture Office, Sanguem and will also utilize the vehicle of Kalay Farm for the office work of ZAO, Sanguem Office.

All the Officers/Officials will draw their salary against their respective Budget Head.

By order and in the name of the Governor of Goa.

P. Tufani, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 25th October, 2013.

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Department of Education, Art & Culture

Directorate of Education

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Order

No. DE/Adm.III/Estate Office/2013/561

Under the provisions of Goa Public Premises (Eviction of Unauthorized Occupants) Act, 1988 the Government is pleased to appoint the following officers indicated in column No. 2, as Estate Officers, for the respective region/area indicated in the third column of the order.

This appointment is made, in order to safeguard and protect the Education Department land and buildings.

The Principal of Government Higher Secondary School, Headmasters of Government High School, A.D.E.I. of all the Talukas are required to bring to the notice of the Estate Officers, any event of unauthorized occupation of Government buildings or land .

The Estate Officers, in cognizance of the Act, initiate an appropriate legal action under the proviso of Goa Public Premises Act, 1988, against an agency/individual, for the breach of the provisions of the Act.

Sr. No.	Officer proposed as Estate Officer	Region/Area under the Est. Officer
1	2	3
1.	Dy. Director of Education, North Education Zone, Mapusa-Goa	Bardez, Pernem, Bicholim and Satari Talukas.
2.	Dy. Director of Education, Central Education Zone, Panaji-Goa	Tiswadi, Sanguem, Ponda and Dharbandora Talukas.
3.	Dy. Director of Education, South Educational Zone, Margao-Goa	Salcete, Mormugao, Canacona and Quepem Talukas.
4.	Director, State Council of Educational Research and Training (SCERT)	S.C.E.R.T., old building and the new building under construction, at Porvorim.
5.	Principal, District Institute of Education and Training Porvorim (DIET)	DIET building and the land surrounding the building.

This issues with the approval of the Government, vide No. 9295 F, dated 24-09-2013.

By order and in the name of the Governor of Goa.

Anil V. Powar, Director of Education.

Porvorim, 23rd October, 2013.

Directorate of Technical Education
Polytechnic Section

Corrigendum

No. 17/3/89/2013/DTE/2310

Read: Order No. 17/3/89/2013/DTE/2175 dated 10-10-2013.

In the above mentioned order, the name of Lecturer be read as Ms. Vibhavari A. Shirodkar in place of Ms. Vibhavari S. Shirodkar.

All other contents of the order remain unchanged.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Additional Secretary (Technical Education).

Porvorim, 21st October, 2013.

Goa Legislature Secretariat

Order

No. LA/Admn./2013/1737

In pursuance of Rule 4 (2) of the Goa Legislature Secretariat (Recruitment and Conditions of Services) Rules, 1988, the Governor in consultation with the "Board" is pleased to appoint Shri Deelip Korgaonkar, Senior Assistant of the Goa Legislature Secretariat, Porvorim, to the post of Section Officer, Group 'B' (Gazetted) in the pay scale of PB—2 ₹ 9,300-34,800+4,600/- w.e.f. 24th October, 2013 (f.n.) on regular basis.

2. The above appointment is made against the vacancy of Section Officer caused due to the promotion of Shri Hercules Noronha, Section Officer as Under Secretary.

3. The pay of Shri Deelip Korgaonkar shall be fixed as per the rules.

4. The expenditure on account of this be debited to the Budget Head "2011—Parliament/State/U.T. Legislature; 02—State/U.T. Legislature; 103—Legislative Secretariat; 01—Legislature Secretariat of State; 01—Salaries."

By order and in the name of the Governor of Goa.

Yuvraj Naik, Joint Secretary (Legislature).

Porvorim, 24th October, 2013.

Order

No. LA/Admn./2013/1738

In pursuance of Rule 4 (2) of the Goa Legislature Secretariat (Recruitment and Conditions of Services) Rules, 1988, the Governor in consultation with the "Board" is pleased to appoint Shri Joseph D'Costa, Senior Assistant of the Goa Legislature Secretariat, Porvorim, to the post of Section Officer, Group 'B' (Gazetted) in the pay scale of PB—2 ₹ 9,300-34,800+4,600/- w.e.f. 24th October, 2013 (f.n.) on regular basis.

2. The above appointment is made against the vacancy of Section Officer caused due to retirement of Shri Dnyneshwar Mandrekar, Section Officer on superannuation.

3. The pay of Shri Joseph D'Costa shall be fixed as per the rules.

4. The expenditure on account of this be debited to the Budget Head "2011—Parliament/State/U.T.

Legislature; 02—State/U.T. Legislature; 103—Legislative Secretariat; 01—Legislature Secretariat of State; 01—Salaries.”

By order and in the name of the Governor of Goa.

Yuvraj Naik, Joint Secretary (Legislature).

Porvorim, 24th October, 2013.

Notification

No. LA/MAINT/1736/2013

In pursuance of Rule – 269 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly, I declare that the following documents are laid on the Table of the House of the Goa Legislative Assembly by Hon'ble Chief Minister, Government of Goa on 10th October, 2013.

1. Finance Accounts (Vol. I & Vol. II) 2011-2012.
2. Appropriation Accounts 2011-2012.
3. Report of the Comptroller and Auditor General of India for the year ended 31st March, 2012.
4. Report of the Comptroller and Auditor General of India on State Finance for the year ended 31st March, 2012.

Assembly Hall,
Porvorim-Goa.
10th October, 2013.

N. B. Subhedar,
Secretary, Legislature.

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Department of Labour

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Notification

No. 28/1/2013-Lab/346

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 10-04-2013 in reference No. IT/23/03 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

D. S. Morajkar, Under Secretary (Labour).

Porvorim, 07th May, 2013.

**IN THE INDUSTRIAL TRIBUNAL AND
LABOUR COURT
GOVERNMENT OF GOA AT PANAJI**

**(Before Smt. Bimba K. Thaly, Presiding
Officer)**

Ref. No. IT/23/03

Shri Sameer Kundaikar,
R/o Malar, Sao Mathias,
Tiswadi, Goa.

... Workman/Party I

V/s

The Sarpanch,
Village Panchayat
Sao Matias,
Piedade, Tiswadi, Goa.

... Employer/Party II

Workman/Party I represented by Adv. Shri. A. Kundaikar.

Employer/Part II represented by Adv. Shri V. A. Lawande.

AWARD

(Passed on this 10 th day of April, 2013)

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) (for short The Act) the Government of Goa by order dated 31-3-03 bearing No. 28-9-2003-LAB/1064 referred the following dispute for adjudication.

“ (1 Whether the action of the Village Panchayat, Sao Mathias, in refusing employment to Shri Sameer Kundaikar, Clerk, with effect from 7-3-2001, is legal and justified?

(2) If not, to what relief the Workman is entitled to ?”

2. Upon receipt of the reference, IT/23/03 was registered. Notices were issued to both the parties under registered post, upon which both the parties were served. Party I filed the claim statement at Ex. 4. Party II filed written statement at Exb.6. Rejoinder was filed by Party I at Exb. 7.

3. It is in short the case of Party I, Workman that he was employed as Clerk with Party II since the year 2001 and that on 3-2-01 he fell sick and was advised rest by his doctor. That he reported for work on 7-3-01 however, he was refused employment by Party II. It is stated that the refusal of employment is on account of alleged absenteeism from 3-2-01 to 6-2-01 which is clearly in violation of the applicable provisions of law. That no enquiry of whatsoever

nature has been conducted into the alleged absenteeism prior to refusal of employment. He thereafter raised a dispute before the office of Commissioner, Labour, Govt. of Goa, Panaji however the conciliation did not materialize and the Labour Commissioner sent a failure report vide letter dated 3-1-01. It is stated that Party I is presently unemployed without any source of income. He has therefore prayed to hold that the action of Party II in refusing employment to him w.e.f. 7-3-01 is illegal, unjustified and bad in law, that he be reinstated back in services with full back wages, continuity in service along with other benefits and he be compensated monetarily in view of the mental agony, privation and sufferings undergone by him during this period.

4. In the written statement Party II, has denied the case set up by Party I and has stated that Party I is not a workman as contemplated under section 2(s) of the Act; that the present dispute is not an industrial dispute and that Party II is not an industry. It is further the case of Party II that Party I was not employed as a Clerk however his brother who was earlier working with Party II had left the work and after some days Party I started visiting the Panchayat and on account of pending work he was casually allowed to work by the Sarpanch without proper approval or resolution or appointment. It is further the case of Party II that Party I left the employment on his own for no reasons without informing the Panchayat and on 4-3-01 submitted an application stating that he was seriously ill and was under the treatment of Dr. Tari and would like to join the service after recovery. It is stated that though Party I was not allowed to work on 7-3-01 but he signed the register on that day seeking an opportunity in the Panchayat. It is stated that vide resolution in the meeting on 25-3-01, it was unanimously resolved to terminate the casual work of Party I and on 28-3-03 Party I was informed of the same through the Peon and was served with the copy of the letter dated 25-3-01. It is stated that the recruitment of employees is required to be done as per the provisions of the Goa Panchayat Raj Act and that the said Act provides for complete remedy for any action or dispute.

5. In the rejoinder Party I, workman has denied the contentions raised by Party II in the written statement and has stated that he was appointed in the services of Party II as Clerk vide letter dated 17-12-2000 and that

the Secretary of Party II had also given the details to the B.D.O., Tiswadi regarding the appointment of Party I in connection with uniform pay scale to the village employees vide letter dated 17-12-00.

6. On the basis of the above averments of the respective parties issues dated 16-12-03 at Exb. 8 were framed:

7. In support of his case, Party I Shri Sameer Kundaikar examined himself on behalf of Party II, one Shri Mahesh Naik and Shri Janu P. Naik have been examined.

8. Heard Lnd. advocate Shri A. Kundaikar for Party I and learned advocate Shri V. A. Lawande for Party II.

9. Learned advocate for Party I by inviting my attention to the various paras of the written statement wherein Party II has admitted that Party I was not allowed to work on 7-3-01 as well as the evidence of witness No. 1 of Party II wherein he has stated that Party I was not allowed to sign the muster roll on 7-3-01 and was orally told that his services were not required submitted that the above evidence clearly indicates that Party I was refused employment from 7-3-01. He also stated that even considering that Party I was employed since July, 2000 it becomes clear that at the time of refusal of employment on 7-3-01, Party I had worked for 240 days. He stated that Party I was refused employment without affording him a fair and reasonable opportunity and without holding any enquiry. He also stated that Party II is an industry and in support of his submission he relied on the judgment in the case of **Dhari Gram Panchayat v/s Shri Brahad Sawrashtra Safai Kamdar Mandal, Rajkot 1971 ILLJ 508** and in the case of **Navsari District Panchayat and another V/s Sumanbhai Morarbhai Patel and another 2003 Lab I.C. 1088**, in which it is held that the Department of Panchayat is an industry. He further stated that since the present dispute is connected with the employment or non-employment of Party I Workman, the dispute referred has to be considered as an industrial dispute. On the subject of gainful employment of Party I after he was refused employment by Party II, he stated that Party I has pleaded and averred in the affidavit that he is unemployed since the time of refusal of employment and therefore has discharged the said burden as required by the judgments in the case of **Kendriya Vidyalaya Sangathan and another v/s S.C. Shharma 2006, STPL (LE) 33900 SC** and

J.K. Synthetics Ltd., v/s K.P. Agarwal and another 2007 STPL (LE) 37788 SC the observation in which indicate that the initial burden to prove that he is not gainfully employed is on the workman and after he places materials in that regard, the employer can bring on record the materials to rebut the claim. Thus, he prayed to hold that refusal of employment to Party I is illegal, unjustified and bad in law and to reinstate him back in services with full back wages and continuity in service.

10. On the other hand, learned advocate for Party II submitted that the initial burden to prove that he is a workman within the meaning of Section 2(s) of the Act is on Party I which he failed to discharge and having failed to do so this court lacks jurisdiction to decide the matter. He stated that Party I was not given any appointment by Party II and was merely allowed to work in the place of his brother who had left the work with Party II, due to exigencies of work and therefore Party II was not bound to hold any enquiry in the matter. By referring to the relevant provisions of the Panchayat Raj Act, he stated that the appointment of Party I was not in terms of the provisions of this Act and further by relying on the judgment in the case of the **Divisional Controller, M.S.R.T.C. Osmanabad v/s Maruti Bapurao Lokhande 2009 (5) ALL M.R. 242** he stated that since Party II is a public body it cannot be excluded from the principles applicable to the employment in public bodies. He also made reference to the judgment in the case of the **State of Karnataka v/s Umadevi (3) (2006) 4 SCC 1** in which the concept of public employment has been highlighted. By inviting my attention to the memorandum of uniform pay scale (Exb.18) issued by B.D.O. and the reply dated 17-12-00 sent to it by party II along with the annexure (Exb. 22 colly) he stated that the designation of Party I is shown in it as temporary /casual worker. Further by referring to the copy of the said memorandum and the annexure to it produced by Party I at Exb.W-1 colly he stated that the said annexure is manipulated and fabricated and therefore no reliance could be placed on it. He also relied on the judgment in the case of **BSNL and others v/s Mahesh Chand (2008) 3 SCC 474** to impress upon the Court that no relief of reinstatement could be granted where there is no sanctioned post.

11. I have gone through the records of the case and have duly considered the submissions advanced. I am reproducing the issues along with their findings and reasons thereof.

Sr. No.	Issues	Findings
1.	Whether the Party I proves that the action of Party II in refusing employment to him from 7-3-01 is legal and unjustified?	In the negative
2.	Whether the Party I proves that Party II is not an 'industry' as defined under the I.D. Act, 1947?	Party II is an Industry under the I.D. Act, 1947.
3.	Whether the Party II proves the Party I is not a 'Workman' as defined under the I.D. Act, 1947?	Party I is not a Workman under the I.D. Act, 1947.
4.	Whether the Party II proves that the dispute referred is not an Industrial Dispute?	In the negative.
5.	Whether the Party II proves that this Tribunal has no Jurisdiction to entertain and decide the dispute?	In the positive.
6.	Whether the Party I is entitled to any relief?	In the negative.
7.	What award?	As per order below

REASONS

12. *Issue No. 2* : I propose to decide this issue first because for deciding issue No. 3 i.e. whether the Party I is a Workman as defined under the Act, it is necessary to decide first whether the employer is an 'industry' as defined u/s 2(j) of the Act, as a person to be a Workman must be employed in an industry. It is infact the pleading of Party II that it is not an industry and therefore the burden to prove this issue should have been cast upon the Party II. Nevertheless, in terms of the judgment in the case of **Dhari Gram Panchayat v/s Shri Brahad Sawrashtra Safai Kamdar Mandal, Rajkot 1971 1 LLJ 508** and in the case of **Navsari District Panchayat and another v/s Sumanbhai Morarbhai Patel and another 2003 Lab I.C. 1088** it is clear that Department of Panchayat is an industry and this position is otherwise not seriously disputed by the Party II. Hence my findings.

13. *Issue No. 3* : This issue goes to the root of the matter because in case this court comes to the conclusion that Party I is not a 'Workman' as defined under the Act it would have no jurisdiction to decide the matter. It is pertinent to note that the plea that Party I is not a Workman under section

2(s) of the Act has been taken by Party II in the written statement. Accordingly, this issue has been framed by the court casting burden on Party II to prove the above aspect. Nonetheless, it cannot be disputed that the onus to prove that he is a workman lies on the concerned person who claims to be the workman under the Act. Reliance is placed on the judgment in the case of **S. T. Galande v/s P. O. IInd Labour Court, Pune 2008 (I) CLR 656** in which the Hon'ble High Court of Bombay has observed as under:

"It is settled principle of law that the onus lies upon the workman to prove that he satisfies the essential ingredients of being a Workman and, therefore, could raise an industrial dispute....."

14. The above being the position of law, it is essential to look into the evidence brought on record by Party I to find out if Party I has succeeded in proving that he is a Workman under the Act.

15. Interestingly, Party I has not pleaded any wherein the claim statement that he was appointed on a particular date as "Clerk" by Party II. No doubt, in para 1 of the claim statement Party I, has pleaded that he was employed as Clerk at the office of V .P. Sao Mathias, Divar, Tiswadi, Goa since the year 2001 but in reply to this para vide para 1 of the written statement it is the pleading of Party II that the brother of Party I who was earlier engaged, has left the work and thereafter after a period of some days, Party I started visiting the Panchayat and on account of the pending work he was casually allowed to work by the Sarpanch without proper approval or resolution or appointment. It is pertinent to note that it is only thereafter, in the rejoinder Party I has come out with the case that he was appointed as a 'Clerk' w.e.f 1-7-00 and has also admitted that his brother was earlier appointed and was working for Party II; that he (Party I) was appointed in the services of Party II vide letter dated 17-12-00; that the Secretary of Party II has also given details to the B.D.O., Tiswadi, regarding his appointment in connection with uniform pay scale to the village employees, vide letter dated 17-12-00. It is therefore clear that Party I was silent in his initial pleadings about his appointment as Clerk w.e.f. 1-7-00 and also about the fact of the Secretary of Party II giving details to the B.D.O., Tiswadi, as stated above.

16. In his cross examination, Party I has admitted that his brother Sunil was working for Party II; that he joined the services of Party II after Sunil left the services of Party II; that he was told

by the Sarpanch, the Secretary and other members of Panchayat to work with Party II; that he had not made any application for employing him with Party II; that he joined the services of Party II on 20-6-00; that he does not remember how much amount he was paid towards the salary for the month of June, 2000; that he has signed the muster roll from the 20-6-00; that in the muster roll for June, 2000 his name was not mentioned and that in the month of June 2000 he has signed the muster roll across the name of his brother.

17. It is thus clear from the nature of above evidence of Party I that he was not appointed by Party II pursuant to his application for employment and further that his name did not figure on the muster roll of Party II for the month of June, 2000. Party I has produced the xerox copy of the letter dated 17-12-00 written by Party II to B.D.O. along with the proforma annexed to it at Exb.W-I. Reading of this document makes it clear that the proforma annexed to it, is partly typed and partly hand written. That apart, the date of appointment of Party I as mentioned in this proforma is 1-7-00 and not 20-6-00 as stated by Party I in his cross examination. Even for that matter, a look at this proforma reveals that the same is not signed by any authority of Party II. No explanation has come on record from Party I as to why he did not refer to the document at Exb. W-I colly in his initial pleadings and also as to how this document came into his possession. It may be mentioned here that Shri Mahesh Naik has in his cross examination made it clear that the letter dated 17-1-00 was sent to the B.D.O. by the then Secretary and he has identified the signature of the then Secretary on this letter i.e. Exb.W -1 colly. He has however stated that the proforma which forms the part of Exb.W -1 colly is not the part of the original record. He has produced the copy of the said letter dated 17-12-00 and the proforma forwarded along with it at Exb. 22 colly by further making it clear that Exb. 22 colly is the copy of the true records maintained by the Panchayat. He has stated that the proforma produced by Party I at Exb.W-I colly is fabricated and no such document/ proforma is found in the Panchayat records. He has denied the suggestion that the proforma at Exb.W-I colly is a genuine document which was forwarded by the Panchayat to the B.D.O. Even for that matter Shri Janu P. Naik who was the Secretary of Party II was shown Exb. W-1 colly and he has stated that the letter dated 17-12-00 was not accompanied by the annexure which is produced before the court at Exb. W-1 colly. Upon being shown Exb. 22 colly this witness has stated that the said letter dated

17-12-00 is accompanied by the annexure which is produced before the court at Exb. W-1 colly. Upon being shown Exb. 22 colly this witness has stated that the said letter dated 17-12-2000 as accompanied by the annexure which is at Exb. 22 colly and he has identified his signature on the letter dated 17-12-00 as well as the annexure to it i.e. Exb. 22 colly. Perusal of both the documents i.e. Exb. W-I colly and Exb. 22 colly give a clear indication that in every probability Exb. 22 colly is the copy of the original records and therefore I am of the opinion that the designation of Party I as mentioned in the proforma to Exb. 22 colly as temporary/casual worker needs to be accepted. It may be mentioned here that since records reveal that the employment of party I with Party II was from 1-7-2000, it has to be accepted that Party I had completed 240 days of work prior to so called refusal of employment to him.

18. I have already mentioned above that Party I has not produced appointment letter to show that he was employed by Party II as Clerk and on the contrary has admitted that he started working in the place of his brother without making any application for employment. As rightly pointed out by learned advocate for Party II section 115 of the Goa Panchayat Raj Act gives liberty to the Panchayat to appoint other employees of the Panchayat and pay their salaries from the Panchayat Fund with the prior approval of the Chief Executive Officer. In the case at hand, Party I has not produced any document to indicate that prior approval of the Chief Executive Officer was obtained by the Panchayat before employing him with Party II. Thus, the so called employment of Party I with Party II is without any legal background as required under the law.

19. In the judgment in the case of **State of Karnataka and others v/s Umadevi (3) & others 2006 II CLR 261 SC** two sets of appeals were filed before the Hon 'ble Supreme Court wherein the grievance of the first set was that they were temporarily engaged on daily wages in the commercial taxes department in some of the districts of the State of Karnataka where they worked for more than ten years and hence they were entitled to be made permanent employees of the department and were also entitled to all the benefits of regular employees. The other set of petitioners had approached the court challenging the order of the Government directing cancellation of appointments of all casual workers /daily rated workers made after 1-7-1984 and also seeking a direction for the regularization of all the daily wagers engaged by the Government of Karnataka and its local bodies. Regarding first set of petitioners, it is observed that there is nothing in the constitution which prohibits such engaging of persons temporarily or on daily wages, to meet

the ends of the situation but the fact that such engagements are resorted to, cannot be used to defeat the very scheme of a public employment nor a court can say that the Union or the State Government do not have the rights to engage persons in various capacities for a duration or until the work in a particular project is completed. It may be mentioned here that Panchayat is set up as a body to carry out Government activities as specified in the schedule to the Goa Panchayat Raj Act and it carries out these duties and functions at the village level which otherwise would have been carried out by the Government. Thus, above observations make it clear that there is nothing wrong in engaging temporary or daily wages worker to meet the needs of the situation and which has been the position in the instant case. This judgment further indicates that unless the appointment is in terms of relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. It is also observed in this judgment that merely because a temporary employee or a casual wage worker is continued for a time beyond the time of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. In the case at hand, Party I has stated that he does not know if any resolution was taken by the Panchayat to employ him and even to the suggestion that no such resolution was taken, Party I has stated that he does not know. For that matter even, Shri Mahesh Naik has made it clear that Party I was allowed to work casually by the Sarpanch of Party II without proper approval or any resolution and the above statement of Shri Mahesh Naik is not denied in his cross examination. Shri Janu Naik has also reiterated the above statement made by Shri Mahesh Naik and the same is not denied in his cross examination. Thus, for all purposes it becomes evident that the employment of Party I with Party II is not backed by legal procedure and in such situation it would not be justified to hold that Party I is a "Workman" as contemplated u/s 2(s) of the Act.

20. Since discussion in the preceding paras make it clear that party I was employed as casual/ /temporary employee in the place of his brother it goes without saying that he was a casual employee and this is also because the employment of Party I with Party II is not as required by the provisions of the Goa Panchayat Raj Act. Thus, in terms of the observations in the judgment in the case of **BSNL and others (supra)** it has to be held that the employment of Party I was not on the sanctioned post of Clerk. Hence my findings.

21. *Issue No. 1* : Having come to the conclusion that Party I is not a “workman” as contemplated under 2(s) of the Act, it cannot be said that termination of employment of Party I w.e.f. 7-3-01 is illegal and unjustified. Even for that matter, as observed in the judgment in the case of **Umadevi (supra)** if a person enters temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature and thus it is not an appointment to a post in a real sense of term. The judgment in the case of **Dr. D.C. Wadhwa and ors. v/s State of Bihar and ors (1987(1) S.C.R 798)** has been considered in this judgment in which it is observed that in case of a contractual appointment, the same comes to an end at the end of the contract but if an engagement or appointment is on daily wages or casual basis, the same would come to an end when it is discontinued. Since in the case at hand the employment of Party I was on casual basis, the same has obviously come to an end upon its discontinuance. Hence my findings.

22. *Issue No. 4* : Section 2(k) of the Act defines Industrial dispute as under:

“Industrial dispute” means any dispute or difference between employers and employers, or between employers and workmen or between Workmen and workmen, which is connected with the employment or non employment or the terms of employment or with the conditions of labour, of any person.

23. Since I have already come to the conclusion that Party I is not a “Workman” within the meaning of Section 2(s) of the Act, the dispute referred herein cannot be termed as an Industrial dispute. Hence my findings.

24. *Issue No. 5* : As held above that Party I is not a Workman u/s 2(s) of the Act and that the dispute referred herein is not an industrial dispute, this Tribunal lacks jurisdiction to entertain and decide the dispute. Hence my findings.

25. It may be mentioned here that learned advocate for Party I contended that Party I is entitled to the backwages along with the reinstatement in service and this is because since the time of refusal of employment he has not been gainfully employed. In support of his submissions he relied on the judgment in the case of **Kendriya Vidyalaya Sangathan and another v/s S.C. Sharma AIR 2005 SC 768** and in the case of **J.K.**

Synthetics Ltd., v/s K. P Agrawal and another (2007) 2SCC 433 in which it is observed that when the question of determining the entitlement of a person to backwages is concerned, the employee has to show that he was not gainfully employed. It is also held that the initial burden is on the employee and after he placed materials in that regard, the employer can bring on record materials to rebut the claim. By referring to the above observations it is the argument of learned advocate for Party I that since there is pleading in the claim statement about unemployment of Party I it is clear that Party I has discharged the burden as required above and it is now for Party II to prove otherwise. Though, learned advocate for Party II canvassed that mere pleading of unemployment does not serve the purpose and that Party I is also required to plead as to what efforts he made to secure the employment and which pleading is lacking in the claim statement, in my view, since it is established that Party I is not a ‘Workman’ as contemplated u/s 2(s) of the Act, this court is not required to go into the above arguments advanced by the Parties, to find out if Party I has been gainfully employed after termination of his services or whether he is entitled for back wages.

26. *Issue No. 6* : In view of discussion supra, I am of the view that Party I is not entitled to any relief.

27. In the result, I pass the following :

ORDER

1. It is hereby held that the action of the Village Panchayat, Sao Mathias, in refusing employment to Shri Sameer Kundaikar, Clerk, with effect from 7-3-2001 is legal and justified.

2. Party I Shri Sameer Kundaikar is therefore not entitled to any relief.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2013-Lab/343

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 01-04-2013 in reference No. IT/50/07 is hereby published as required by Section 17 of the

Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

D. S. Morajkar, Under Secretary (Labour).

Porvorim, 07th May, 2013.

IN THE INDUSTRIAL TRIBUNAL-
-CUM-LABOUR COURT AT PANAJI

(Before Smt. Bimba K. Thaly, Presiding
Officer)

Ref. No. IT/50/07

Shri Salvador D'Costa

H. No. 3, Velsao

P. O. Cansaulim

Salcete, Goa

... Workman/Party I

v/s

M/s. Majorda Beach Resort,

Majorda, Salcete, Goa.

... Employer/Party II

Adv. Shri. Y. A. Naik for Workman/Party I.

Adv. Shri M. S. Bandodkar for Employer/Party II.

AWARD

(Passed on 1st day of April, 2013)

By order dated 11-9-07, bearing No.28-17-2007-LAB/818, the Government of Goa has referred the following dispute for adjudication,

" (1) Whether the action of the management of M/s. Majorda Beach Resort, Majorda, Salcete, Goa, in dismissing from services Shri Salvador D'Costa, Cook, with effect from 09-09-2005, is legal and justified?

(2) If not, to what relief the Workman is entitled?"

2. On receipt of the reference, IT/50/07 was registered. Notices were issued to both parties, pursuant to which the Party I filed his claim statement at Exb. 8. Party II filed the written statement at Exb. 12. Party I then filed the rejoinder at Exb. 13.

3. It is in short the case of Party I that he was employed with Party II w .e. f. 1-6-1985 as Cook, confirmed in service by order dated 1-12-1985 and promoted to the post of Commis II by order dated 1-2-93. It is stated that the service conditions of the workman of Party II relating to disciplinary action and other matters are governed by the Industrial Employment (Standing Orders) Act, 1946 and the

Standing Orders made thereunder besides the provision of The Act and other Labour Laws. That Party II has framed service rules but they have no application in relation to the matters prescribed under the Industrial Employment (Standing Orders) Act and hence the model of standing orders made under the said Act are applicable to the Workmen. It is stated that when Party I was in the second shift on 25-4-03 he was checked while leaving the hotel at 10:00 p.m. and was allowed to proceed out of the gate as no incriminating or suspicious object was found in his possession. On 26-5-03 when he came to report for duties, he found his punch card missing and upon enquiries he was told that the security staff had orders not to allow him to enter the establishment. It is stated that he then received a letter dated 28-4-03 from Party II informing that he was suspended from work pending enquiry and results thereof. It was stated in the letter that Party I had committed serious acts of misconduct among other things of damaging or making loss due to irresponsible action to the properties of the company and that a charge sheet will be issued to him in due course. It is stated that Party I received illegal charge sheet dated 24-5-03 making false and baseless allegations against him alleging therein that he removed the major part of the fish from the fridge by putting in polythene bag and after punching the card rushed out on a scooter by taking the company's property. He was charged of the misconducts under 21(i), 21(iv), 21(xii), 21(xiii), 21(xiv), 21(xvii), 21(xviii) and 21(xliv) of the service rules of the company. Party I gave explanation to the charge sheet by letter dated 6-6-03 denying all the charges however he received a letter dated 8-8-03 from Party II stating that the reply submitted by him was not satisfactory and that the management had decided to conduct a domestic enquiry against him. Thereafter a sham and illegal enquiry was held against him by the Enquiry Officer(E.O.) Shri K.V. Nadkarny. It is stated that the enquiry was held in unfair and illegal manner and by violating the principles of natural justice. The E.O. was biased in favour of management and against Party I. The evidence produced by the management was full of major contradictions and inconsistencies. No opportunity was given to the Party I to examine his witnesses. That during the course of enquiry, Party II issued a corrigendum dated 8-10-03 seeking to change the date of alleged incident from 26-4-03 to 25-4-03. It is stated that the said corrigendum is illegal and by way of an afterthought. It is stated that an E.O. held that the charges under clauses No. 21(i), 21(iv), 21(XII) and 21(XLIV) are proved. It is stated

that the said findings are illegal, unreasonable and reveal the biased state of mind of the E.O. It is stated that the evidence recorded proved that Party I was innocent and was falsely charged. It is stated that by letter dated 9-8-05 he was informed that the charges found proved against him are grave and severe and he was required to show cause as to why strict disciplinary action should not be taken against him. That no opportunity of hearing was given to him on the findings of the E.O. before issuing the said letter asking him to show cause why strict disciplinary action should not be taken against him. It is stated that the said show cause notice is contrary to law. It is stated that Party I replied to the show cause notice by reply dated 19-8-05 however thereafter he received a letter dated 9-9-2005 dismissing him from service with immediate effect and pursuant to this Party I raised an industrial dispute which finally ended in failure before the Conciliation Officer and hence the present reference. Party I has therefore prayed for an award holding that the action of Party II in dismissing him from service with effect from 9-9-05 is not legal and justified and to direct Party II to reinstate him with full back wages, continuity in service and other consequential benefits.

4. In the written statement Party II has denied the case of Party I and has stated that Party I was issued a charge sheet and an enquiry was conducted against him by following the principles of natural justice since Party I was involved in the grave and severe misconducts of theft of company's property. It is stated that having regards to the gravity of the charges found proved against Party I, his services were terminated and that this Tribunal should not interfere with the administrative functions of Party II. It is stated that at the initial stage of enquiry itself the typographic error regarding date of incident was noted and therefore after seeking permission from the E.O. and after notifying the Party I the date of the incident which was wrongly typed as 26-4-03 was corrected to 25-4-03. It is stated that after the E.O. gave the findings, a show cause notice was issued to Party I with proposed punishment and along with the show cause notice a copy of findings of the E.O. was served upon him and Party I submitted his explanation dated 19-8-05 to the show cause notice but it was not found satisfactory and Party I was dismissed from services by dismissal letter dated 9-9-05. According to Party II, the punishment imposed on the Party I is proportionate to the gravity of proved charges and past records. Thus amongst above and other grounds Party II has prayed to reject the reference.

5. In the rejoinder Party I has denied the defence taken by Party II and has reiterated that he is innocent and the charge of theft alleged against him is false and baseless.

6. On the basis of averments of the respective parties issues dated 10-6-08 at Exb.15 were framed as under:

1. Whether the Party I proves that the enquiry held against him was unfair and illegal?

2. Whether the Party I proves that the action of the Party II in terminating his services is illegal and unjustified?

3. Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by acceptable evidence?

4. Whether the Party I is entitled for any relief?

5.. What Award?

7. Issue Nos. 1 and 3 were treated as preliminary issues and accordingly evidence was recorded on those issues.

8. In the course of further proceedings both the parties settled the matter amicably amongst themselves and filed the terms at Exb.23, as under:

1. It is agreed between the parties that the Party II/Management of M/s Majorda Beach Resort shall pay a sum of Rs. 2,85,000/- (Rupees two lakhs eighty five thousand only) to the Party I Mr Salvador D'Costa, which shall include all the claims of Mr. Salvador D'Costa arising out of the present reference and his employment and dismissal. The above amount shall include all his claims including any claim of unpaid wages, ex-gratia, bonus, leave encashment, etc. including gratuity or any other claim, which can be computed in terms of money.

2. It is further agreed between the parties that the sum of Rs. 80,000 (Rupees eighty thousand only) which is the amount being gratuity shall be sent by the Party II by cheque directly at his residential address at H. No. 3, Velsao, Cansaulim-Salcete-Goa from the Trustees of Eastern International Hotels Ltd., Employees Group Gratuity L.A. Scheme.

3. It is further agreed between the parties that the Party II shall however pay the remaining sum of Rs. 2,05,000/- (Rupees two lakhs five thousand only) to the Party I vide cheque No. 669645 dated 25-03-2013 drawn on State Bank of India, Margao Branch, payable at par.

4. It is further agreed between the parties that the Party II shall issue bonafide certificate stating that the Party I has resigned from the services of the company and dismissal letter dated 9-9-2005 issued to him shall stand withdrawn, in view of this settlement.

5. It is further agreed between the parties that the Party I shall not claim any further money/benefit, which can be computed in terms of money from the Management of M/s Majorda Beach Resort from the date of dismissal till the date of retirement from the company i.e. from 10-09-2005 to 8-5-2009.

6. The above terms are signed by Party II as well as their advocate so also by Party I and his advocate.

9. I have gone through the terms of the settlement and I am satisfied that the terms of settlement are certainly in the interest of Workman. I, therefore, accept the said terms and pass the following:

ORDER

1. The reference stands disposed off by consent award in view of the consent terms filed by the parties at Exb. 23.

2. No order as to costs.

Inform the Government accordingly.

Sd/-

(Bimba K. Thaly)
Presiding Officer
Industrial Tribunal-Cum-
Labour Court-I

State Directorate of Craftsmen Training

Order

Ref. No. 2/123/2013/EST/SDCT/(24)/9427

Read: 1. Order No. 2/123/2007/EST/SDCT/(24)/2639 dated 07-12-2007.
2. Order No. 2/123/2007/EST/SDCT/(24)/4938 dated 09-07-2008.
3. Order No. 2/123/2009/EST/SDCT/(24)/3581 dated 01-07-2009.
4. Order No. 2/123/2009/EST/SDCT/(24)/4648 dated 11-08-2009.
5. Order No. 2/123/2009/EST/SDCT/(24)/2599 dated 16-04-2010.

6. Order No. 2/123/2009/EST/SDCT/(24)/6460 dated 07-09-2010.

7. Order No. 2/123/2010/EST/SDCT/(24)/7010 dated 05-09-2011.

8. Order No. 2/123/2012/EST/SDCT/(24)/7409 dated 07-12-2012.

The ad hoc promotion of Shri M. R. Allabaksh to the post of Principal Jr. Scale/Assistant Controller of Examination (Group B) Gazetted, is hereby extended for further period of one year from 07-06-2013 to 06-06-2014 with the same terms and conditions stipulated in the above orders.

This is issued with the concurrence of the Goa Public Service Commission vide its communication No. COM/II/11/60(1)/2012/1268 dated 09-10-2013.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director & ex officio Joint Secretary (Craftsmen Training).

Panaji, 24th October, 2013.

Department of Law & Judiciary

Law (Establishment) Division

Order

No. 8/8/2011/LD(Estt)/1861

Read: 1) Government Order No. 8/8/2011-LD (Estt)/1333 dated 08-08-2011.

2) Government Order No. 8/8/2011-LD (Estt)/297 dated 22-02-2013.

On recommendation of Goa Public Service Commission vide their letter No. COM/II/11/58(1)/2011/1256 dated 08-10-2013, ex post facto approval of Government is accorded for extension of ad hoc promotion of Shri Vassudev T. Hadkonkar, District Registrar for a further period of six months w.e.f. 08-02-2013 to 07-08-2013 on the same terms and conditions cited in order No. (1) referred to in the preamble.

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Law-Estt.).

Porvorim, 24th October, 2013.

Department of Panchayati Raj and Community Development

Directorate of Panchayats

Notification

No. 19/DP/Reservations/VP/2013/6276

In exercise of the powers conferred by sub-sections 4, 5 and 6 of section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter called the "said Act"), the Government taking into account the population of the Scheduled Tribes and Backward Classes in the Panchayat as specified in Column No.1 of the Schedule appended hereto, hereby reserves the wards for the persons belonging to the Backward Classes, as specified in the corresponding entries in Column No.4 respectively of the Schedule and the wards for women as specified in Column No. 5 of the said Schedule for Village Panchayat specified in Column No. 1.

This Notification shall have effect for the purpose of ensuing elections to the Village Panchayats.

SCHEDULE

Name of Village Panchayat	Total number of wards in village Panchayats	Serial number of wards reserved for Scheduled Tribes	Serial number of wards reserved for Backward Classes	Serial number of wards reserved for Women	Remarks
1	2	3	4	5	6
Bicholim Taluka/ /Block					
Harvalem	5	—	4	2, 5	—

By order and in the name of the Governor of Goa.

Narayan R. Sawant, Director & ex officio Joint Secretary (Panchayats).

Panaji, 30th October, 2013.

Notification

No. 19/DP/V.P. Harvalem/13/6277

This is to notify for information of the public that it is proposed to hold General Election to the Village Panchayats in Bicholim Block/Taluka. The division of Village Panchayats into wards, extent and limits of each ward and reservation of seats as per the provision of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) is shown below:

Form No. 10

(See Rule 4)

Sr. No.	Name of Village Panchayat	Ward No.	Village/Ward	House Nos.	Ward Nos. reserved for Women
1	2	3	4	5	6
1.	Harvalem	I	Varchawada Varche Harvalem	5/1, 15, 18, 46, 58, 107, 110, 209, 337, 378, 380, 415, 429, 470, 472, 473, 475, 480, 490/2, 495, 501, 504, 529, 541, 544, 545, 547, 631, 926, 1016, 1039, 1126, 1214, 1215, 1272, 1321, 1572, 1573, 1574, 1575, 1578, 1580, 1584, 1655, 1991, 477.	

1	2	3	4	5	6
			Baikadlowado	40, 66, 69/1, 392, 474, 481, 482, 482/1, 487,	
			Varche Harvalem	488, 489, 499, 726, 1216, 1231, 1232, 1274, 1294, 1331, 1338, 1476, 1560, 1577, 2049, 2216, 2218, 2446, 542, 1215.	
II			Madhalawada	18, 28, 35, 36/1, 38, 46, 46/2, 194, 393, 396,	Women.
			Varche Harvalem	411, 485, 490, 491, 492, 493, 499, 501, 544, 546, 546/1, 582, 725, 739, 750, 767, 987, 1089, 1330, 1357, 1431, 1533, 1534, 1571, 1572, 1702, 51, 1272, 1431.	
			Khalchawada	130, 133, 415, 449, 503, 504, 507, 508, 509,	
			Varche Harvalem	509/1, 510, 511, 550, 551, 587, 720, 727, 1014, 1014/0, 1328, 1340, 1377, 1553, 1736, 1742, 1749, 2040, 1014/1, 1324.	
			Kelbaiwada	405, 418, 496, 504, 512, 544, 722, 733, 766,	
			Varche Harvalem	829, 1217, 1242, 1308, 1320, 1431, 1509, 1635, 1637, 1699, 1752, 2101, 2101/1, 2211, 2243, 2288, 2302.	
III			Shivkrupa Colony	1172, 1193, 1194, 1195, 1198, 1199, 1200,	
			Harvalem	1201, 1202, 1203, 1207/4, 2232/BF3, 2232/D-F2, 2544, 2565, 1197.	
			Umlaychimali	535/2, 1086, 1348, 1610, 1714, 1715, 1715/1,	
			Harvalem	1765, 1779, 2055, 2065, 2076, 2083, 2084/1, 2084/2, 2084/3.	
			Navedar	117, 126, 461, 513, 513/1, 513/2, 513/4, 513/5,	
			Harvalem	513/A, 514, 516/1, 516/2, 516/3, 796, 796/1, 1406, 1408, 1410, 1411, 1446, 1695, 1931, 1941, 1952/1, 1952/C, 1952/D, 1954, 1968, 1993, 2015, 2020, 2058, 2081, 2091, 2127, 2171, 2249, 2377, 3462, 2493, 2529, 428, 10/2462, 270, 516, 952/D, 966.	
IV			Pratapnagar	74/0, 963, 964, 964/1, 964/A, 965, 966, 967,	OBC
			Khalche	968, 969, 970, 972, 973, 973/1, 974, 976, 979,	
			Harvalem	979/1, 980, 981, 984, 985, 986, 989, 990, 992, 993, 994, 995, 997, 1006, 1018, 1019, 1020, 1021, 2028, 1030, 1032, 1035, 1056, 1060, 1061, 1064, 1068, 1070, 1072, 1075, 1080, 1089, 1090, 1094, 1095, 1101, 1104, 1112, 1116, 1148, 1156, 1157, 1161, 1161/A, 1211, 1235, 1286, 1309, 1262, 1445, 1741, 1773, 1793, 1881, 1881/C, 1881/C1, 1881/D, 1881/D1, 1881/D2, 1881/E, 1881/F, 1881/G, 1881/H, 1999, 1999/A, 2187, 2205, 2232, 2259, 2260, 2276, 2276/A, 2276/B, 2408, 2420, 2421, 2422, 2423, 2424, 58, 983, 1576, 2425, 2441, 30, 8, 1163, 1403.	
V			New Colony	1126, 1342, 1429, 1455, 1870, 1870/1, 2367	Women.
			Varcha Harvalem		
			Pousawada	453, 1077, 1100, 1107, 1276, 1482, 1500, 1500/1,	
			Varcha Harvalem	1585, 1607, 1755, 1673, 1673/1, 1965, 2053, 2056, 2057, 2063, 2138, 2175, 2179, 2190, 2196, 2203, 2293, 2357, 2357/A, 2439, 2352, 5170, 1227, 2348, 2352.	

1	2	3	4	5	6
		Harijanwada	58, 104, 107, 111, 112, 117, 721, 729, 746, 765,		
		Varche Harvalem	866, 868, 868/1, 1044, 1093, 1305, 1312, 1399,		
			1682, 1736, 1737, 2014, 2060, 2367, 18/1949/1,		
			2369, 2402, 2362, 209, 2014/1.		
		Devnakadilwada	95/3, 99, 510, 746/1, 1465, 1918, 1998, 2066,		
		Varche Harvalem	2092, 2316, 2327, 2417.		

Narayan R. Sawant, Director & ex officio Joint Secretary (Panchayats).

Panaji, 30th October, 2013.



Department of Personnel

Order

File No. 7/15/2000-PER

In pursuance to the Government of India, Ministry of Home Affairs, New Delhi Order No. 14020/01/2012-UTS-I (Part-I) dated 17-09-2013, the Governor of Goa is pleased to relieve Shri V. P. Rao, IAS (AGMU: 1999), Secretary (Public Grievances) from this Administration w.e.f. 19-09-2013 (a.n.) to take up his new assignment at Government of NCT of Delhi.

By order and in the name of the Governor of Goa.

Siddhi Halarnkar, Under Secretary (Personnel-II).
Porvorim, 19th September, 2013.

Order

File No. 2/7/76-PER (Vol.III) Part

- Read: 1. Order No. 2/7/76-PER (Vol. III) Part dated 22-09-2000.
2. Order No. 2/7/76-PER (Vol. III) Part dated 04-02-2008.
3. Order No. 2/7/76-PER (Vol. III) Part dated 17-10-2008.
4. Order No. 2/7/76-PER (Vol. III) Part dated 16-12-2008.
5. Order No. 2/7/76-PER (Vol. III) Part dated 02-01-2008.

In supersession of order referred to above, the Government is pleased to reconstitute with immediate effect, the Departmental Selection Committee/Departmental Promotion Committee for Group 'C' posts in the Police Department as under:

1. Superintendent of Police — Chairman.
(CID/SB)

2. Superintendent of Police — Member.
(North)

3. Under Secretary (Home-I) — Member.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 22nd October, 2013.

Order

File No. 13/8/2012-PER

Government of Goa is pleased to grant further extension in service to Smt. Pushpa R. Naik, Junior Scale Officer of Goa Civil Service posted as Under Secretary (Forest) beyond the date of her superannuation for a period of one year with effect from 01-11-2013 to 30-10-2014.

The extension is subject to termination, without assigning any reasons at any time during the period of extension.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 24th October, 2013.



Department of Public Health

Order

No. 22/6/98-I/PHD/PF. I

Read: Government Order No. 22/6/98-I/PHD/PF.-I dated 31-05-2013.

Consequent upon ad hoc promotion of Dr. Bansidar Govind Talkar, Medical Officer to the

post of Health Officer made vide Government Order cited above the following posting/transfer of Health Officers are made with immediate effect in public interest.

Sr. No.	Name of Health Officer	Place of posting
1.	Dr. Bansidar Govind Talkar	Primary Health Centre, Cansarvornem.
2.	Dr. Maria Margret O. Sequira, Primary Health Centre, Cansarvornem	Primary Health Centre, Aldona (vacant post).

By order and in the name of the Governor of Goa.

D. G. Sardessai, Addl. Secretary (Health).
Porvorim, 6th September, 2013.

Certificate

No. 4/17/2002-II/PHD

Read: 1) Government Order No. 4/17/2002-II/PHD dated 02-09-2013.
2) Corrigendum No. 4/17/2002-II/PHD dated 18-09-2013.

Certified that the character and antecedents of Dr. Shreya Baburao Pirankar, Assistant Lecturer in the Department of Preventive and Social Medicine in Goa Medical College and Hospital, Bambolim appointed vide above referred order has been verified by the Addl. District Magistrate, North Goa District, Panaji and nothing adverse has come to the notice of the Government.

Sangeeta M. Porob, Under Secretary (Health).
Porvorim, 23rd October, 2013.

Raj Bhavan

Order

No. GS/ADC/19/2013/2194

Read: 1) Communication No. NA/0201/500 dated 10-6-2013 and No. NA/0201/2013/D/610 dated 26-8-2013.
2) Order No. GS/ADC/19/2012/1197 dated 13-6-2012.

Cdr Gaurav Sahai, Indian Navy, ADC to Governor, at Raj Bhavan, Goa, will stand relieved from this office with effect from 27-10-2013 a.n.

2. Cdr Gaurav Sahai is advised to report to the place of his posting in accordance with the communications cited at 1 above, issued by the Defence Headquarters, IHQ (Navy), New Delhi.

3. Further it is certified that Cdr Gaurav Sahai has availed of the following leave during his tenure of deputation:

- 6 days Casual Leave with anywhere LTC for the block year 2010-11 from 6-12-2010 to 11-12-2010 with prefix 5-12-2010 and suffix 12-12-2010 both days being Sunday.
- 10 days Earned Leave with Home Town LTC for the block year 2011-12 from 22-11-2011 to 1-12-2011.
- 3 days Casual Leave from 2-4-2012 to 4-4-2012 with permission to prefix 31-3-2012 and 1-4-2012 to travel to Pune with family.
- Availed of Home Town LTC for his spouse from 4-10-2012 to 13-10-2012 to Delhi.
- Availed of Home Town LTC for his spouse from 9-9-2013 to 20-9-2013 to Delhi.
- 1 day Casual Leave on 4-10-2013 to travel to Karwar.

Neeraj Semwal, IAS, Secretary to the Governor.
Raj Bhavan, 25th October, 2013.

Department of Revenue

Order

No. 23/7/2012-RD

Whereas, the Government of Goa, vide Notification No. 23/7/2012-RD dated 11-07-2012, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 16, dated 19-07-2012, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz, Land Acquisition for construction of road from Haturli to Doorli in Village Panchayat at Maem in Maem Constituency (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5-A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification

No. 23/7/2012-RD dated 23-04-2013, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 5 dated 02-05-2013, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 22nd October, 2013.

Notification

No. 22/17/2011-RD

Whereas, by Government Notification No. 22/17/2011-RD dated 04-09-2012 published in the Official Gazette, Series II No. 24 dated 13-09-2012 and in two local newspapers viz (1) "Times of India" and (2) "Goa Doot" both dated 09-09-2012, it was notified under Section 4 (1) of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended in the said Notification (hereinafter referred to as the said land) was likely needed for public purpose viz. Land Acquisition for development and beautification of the area at Miramar, Panaji City of Tiswadi Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that this land is specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Deputy Collector (LA), Collectorate North Goa, Panaji to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

A plan of the said land can be inspected at the office of the Deputy Collector (LA), Panaji-Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Tiswadi		City: Panaji
PT. Sheet No./ Chalta No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
116/10 part	Possession: Badruddin H. Mavany.	370
43	Possession: Badruddin H. Mavany.	19
44 part	Possession: Badruddin H. Mavany.	15
<i>Boundaries :</i>		
North : P.T.S. 116 Chalta No. 2.		
South : P.T.S. 116 Chalta No. 10, 37.		
East : P.T.S. 116 Chalta No. 44, 10.		
West : P.T.S. 116 Chalta No. 37, 39.		
		Total: 404

By order and in the name of the Governor of Goa.

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 24th October, 2013.

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